



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS**  
**AUSTIN**

**GERALD C. MANN**  
**ATTORNEY GENERAL**

Mr. T. M. Trimble, First Assistant  
State Superintendent of Public Instruction  
Austin, Texas

Dear Sir:

Opinion No. O-2014

Re: Authority of County Board  
of Trustees of Wilbarger  
County, under provisions of  
Article 2742e, Section 1,  
Vernon's Annotated Civil  
Statutes, to attach a  
common school district  
to an independent school  
district under the facts  
stated.

This acknowledges your letter of March  
18, 1940, requesting our opinion upon the following  
question:

"May the county board of trustees  
of Wilbarger County, under the provisions  
of the above mentioned statute, (Article  
2742e, Section 1, Vernon's Annotated  
Civil Statutes) attach a common school  
district, in which no scholastics reside  
and in which no school has been maintained  
in the last ten years, to the Harrold Independ-  
ent School District?"

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Article 2742e, Section 1, Vernon's Annotated Civil Statutes, reads as follows:

"That from and after the passage of this Act, the County Board of School Trustees in any county in this State shall have authority and full power to abolish and/or subdivide any common school district, or other district coming under the jurisdiction of said County Board, having fewer than ten (10) resident scholastics within its boundaries, provided that no public school has been conducted in such district for a period of five years immediately preceding such action by said County Board of School Trustees. The territory of any such school district so abolished or subdivided may be attached to any or all contiguous school districts or county line school districts in such manner as may be determined by said County Board. It is further provided that in the event such newly formed school district does not vote to assume the same, said County School Board shall make an adjustment of any outstanding bonded indebtedness, if there be such, and provided for an equitable distribution of all district properties and/or moneys between the districts affected and the territory so divided, detached or added, taking into consideration the value of school properties and the taxable wealth of the districts affected and the territories so divided, detached or added, as the case may be. When said County Board shall have arrived at a satisfactory basis of such an adjustment, it shall have power to make such orders with reference thereto as shall be conclusive and binding upon the districts so affected;

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provided, however, that the trustee or any residents of the districts or territory so affected by the Act of the County Board of Trustees as authorized by this Act may appeal from the decision of the County Board to the District Court."

The fact situation set out in your question falls clearly within the purview of the above quoted statute. Our answer to your question is yes, provided the common school district referred to is contiguous to the Harrold Independent School District.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

/s/  
Ed Roy Simmons  
Assistant

ERS:LW

A PROVED AUG 22, 1940

/s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

Approved  
Opinion Committee  
By B.W.B., Chairman